

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.13(b) (Small Entity)**

Docket No.
102530-4

In Re Application Of: Gerd Wallukat et al.

FEB 16 2006

Application No.
09/868,967

Filing Date
June 22, 2001

Examiner

Customer No.
27389

Group Art Unit
1646

Confirmation No.
9960

Invention: **PEPTIDES AND AT1 RECEPTOR AND THEIR USE FOR
PREECLAMPSIA AND MALIGN HYPERTENSION**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☒ was filed on February 5, 2004

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed

6. ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
102530-4

In Re Application Of: Gerd Wallukat et al.

Application No. 09/868,967	Filing Date June 22, 2001	Examiner	Customer No. 27389	Group Art Unit 1646	Confirmation No. 9960
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Invention: **PEPTIDES AND AT1 RECEPTOR AND THEIR USE FOR
PREECLAMPSIA AND MALIGN HYPERTENSION**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|----------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | \$750.00 |
| 8. <input type="checkbox"/> Fee for reply in the amount of: | _____ |
| 9. <input type="checkbox"/> Issue fee in the amount of: | _____ |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | _____ |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | _____ |
| 12. <input type="checkbox"/> _____ | _____ |
| Total fees enclosed: | \$750.00 |

The fee of \$750 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 14-1263
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
102530-4

In Re Application Of:
Gerd Wallukat et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/868,967	June 22, 2001		27389	1646	9960

Invention: **PEPTIDES AND AT1 RECEPTOR AND THEIR USE FOR
PREECLAMPSIA AND MALIGN HYPERTENSION**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.




Signature

Mark Marin, Reg. No. 50,842
Norris, McLaughlin & Marcus, PA
875 Third Avenue, 18th Floor
New York, NY 10022

Dated: February 16, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

Feb. 16, 2006
(Date)



Signature of Person Mailing Correspondence

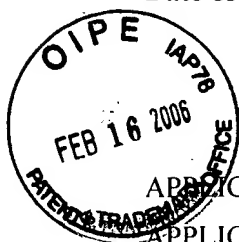
AGATA GLINSKA

Typed or Printed Name of Person Mailing Correspondence

cc:

Express Mail Label No.: EV 581553907 US
Date of Deposit: February 16, 2006

Docket No.: 102530-4
Customer No. 27387



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 09/868,967
APPLICANT : Gerd Vallukat, et al.
FILED : June 22, 2001
FOR : Peptides and the AT₁ Receptor and Their Use for Preeclampsia and
Malign Hypertension
ART UNIT : 1646
EXAMINER : TBA

February 15, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

This communication is responsive to the Notice of Abandonment under Rule 1.821[g], mailed on 16 December 2005.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to
Deposit Account No. 14-1263.

REMARKS

It is respectfully requested that the holding of abandonment be withdrawn as being improper in view of the Applicant filing a proper Response to the Notification of Missing Requirements along with its Petition to Withdraw Holding of Abandonment on February 5, 2004 and further in view of the Decision on Petition dated August 2004. The Decision on Petition of August 2004 vacated the previous Notification of Abandonment dated December 5, 2003 and stated that the USPTO would be forwarding a new form PCT/DO/EO/905 to Applicant.

Applicant has enclosed copies of the Response to Notification of Missing Requirements and the Petition to Withdraw Holding of Abandonment dated February 5, 2004 and a copy of the Decision on Petition for ease of reference. Examiner will note that the last sentence of the "Discussion" section of the decision states that "this application will be forwarded to the US DO/EO for processing and mailing of a new form PCT/DO/EO/905." Said new form was never received by Applicant.

Applicant filed a Status Letter with the USPTO on March 9, 2005 inquiring as to the status of the application (copy enclosed). Applicant received no response to its Status Letter. The next correspondence from the USPTO was the Notice of Abandonment dated December 16, 2005.

Applicant contends that any delay for response was due entirely to USPTO failing to mail a new PCT/DO/EO/905, with presumably a new time period for response set therein, to Applicant as decreed in its Decision on Petition dated August

2004. As such, we believe the subsequent Notice of Abandonment issued December 16, 2005 is improper and should be withdrawn.

Applicant respectfully requests withdrawal of the Notice of Abandonment of December 16, 2005 and issuance of a new PCT/DO/EO/905.

Should Examiner disagree with Applicant's arguments and refuse to withdraw the Notice of Abandonment, Applicant hereby submits the attached conditional Petition to Revive Unintentionally Abandoned Application.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.



Mark Marin

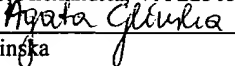
Reg. No. 50,842

875 Third Avenue, 18th Fl.

New York, New York 10022

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, label no. EV 581553907 US in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Agata Glinka

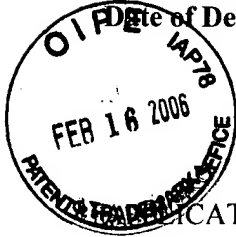
Date: February 16, 2006

Express Mail Label No.: EV 581553907 US

Date of Deposit: February 15, 2006

Docket No.: 102530-4

Customer No. 27387



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 09/868,967
APPLICANT : Gerd Vallukat, et al.
FILED : June 22, 2001
FOR : Peptides and the AT₁ Receptor and Their Use for Preeclampsia and Malign Hypertension
ART UNIT : 1646
EXAMINER : TBA

February 15, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450


**STATEMENT ACCOMPANYING PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

SIR:

The above-identified application became abandoned as to the United States because a proper Response to the Notification of Missing Requirements required by 35 U.S.C. 371 was not filed prior to the expiration of the time set in 37 CFR 1.495. The date of abandonment is the day after the date on which the 35 U.S.C. 371 requirements were due.

Applicant hereby encloses the Petition For Revival of an Application for Patent Abandoned Unintentionally along with the proper documentation. The Commissioner is hereby authorized to charge the Petition to Revive Unintentionally Abandoned Application Fee of \$750.00 for a small entity to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By 
Mark Marin
Reg. No. 50,842
875 Third Avenue, 18th Fl.
New York, New York 10022



Attorney Docket No. 102530-4

APPLICANT: Wallukat et al.

TITLE: Peptides and the AT₁ Receptor and their use for Preeclampsia and Malign Hypertension

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EV 581553907 US

Date of Deposit February 16, 2006

I hereby certify that the following items:

1. Petition to withdraw a holding of abandonment
2. Copy of a Notice of Abandonment
3. Conditional Petition to Revive Unintentionally Abandoned Application
4. Statement accompanying Petition to Revive Unintentionally Abandoned Application
5. Copy of complete Mailing to USPTO dated February 5, 2004
6. Copy of Decision on Petition of August 2004
7. Return Receipt Postcard

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By

Agata Glinska
Agata Glinska



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868,967	Gerd Wallukat	101195-52

INTERNATIONAL APPLICATION NO.	
PCT/DE99/04112	
I.A. FILING DATE	PRIORITY DATE
12/22/1999	12/24/1998

27387
 NORRIS, MCLAUGHLIN & MARCUS, P.A.
 875 THIRD AVE
 18TH FLOOR
 NEW YORK, NY 10022

CONFIRMATION NO. 9960

371
 ABANDONMENT/TERMINATION
 LETTER

OC000000017674851

Date Mailed: 12/16/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/22/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

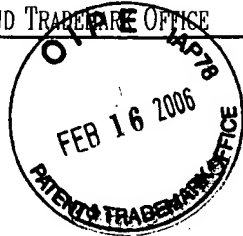
PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



20 AUG 2004

UNITED STATES PATENT AND TRADEMARK OFFICE



101195-52 BSL/TAG

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Theodore Gottlieb, Ph.D
Norris, McLaughlin & Marcus
220 East 42nd Street
New York, NY 10017

In re Application of
WALLUKAT, et al.
U.S. Application No.: 09/868,967
PCT No.: PCT/DE99/04112
Int. Filing Date: 22 December 1999
Priority Date: 24 December 1998
Attorney Docket No.: 101195-52
For: PEPTIDES AND THE AT RECEPTOR AND
THEIR USE FOR PREECLAMPSIA AND
MALIGN HYPERTENSION

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition to Withdraw a Holding of Abandonment" filed 05 February 2004 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 25 July 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date, as well as an English translation of the international application. In addition, applicant was advised of the need to pay the surcharge for providing an oath or declaration of the inventor later than thirty months from the priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 24 September 2001, applicant filed an appropriate response.

On 18 January 2002, applicant filed a sequence listing for the present application.

On 22 November 2002, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that a compliant sequence listing was still required. Applicant was afforded one month to file an appropriate response.

On 24 December 2002, applicant filed an additional sequence listing.

On 05 December 2003, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) acknowledging the reply of 24 December 2002 and notifying applicant that above-identified application was abandoned as to the United States.

On 05 February 2004, applicant filed the present petition to withdraw the holding of abandonment.

DISCUSSION

Applicant seeks withdrawal of the holding of abandonment in the present application based on the filing of 24 December 2002. The USPTO does not dispute that applicant filed a timely response on 24 December 2002. This filing was received on 24 December 2002 with a certification that the filing was deposited for mailing on 19 December 2002. However, the sequence listing filed on that date did not comply with 37 CFR 1.821-1.825. As the time period for responding to the originally mailed form PCT/DO/EO/905 and subsequent forms PCT/DO/EO/916 had expired with a compliant CRF still outstanding, thus the application was held abandoned.

However, a review of the application file finds that the Form PCT/DO/EO/905 mailed 25 July 2001 did not indicate that a sequence listing was needed. The first indication that applicant was required to file a compliant sequence listing was the Form PCT/DO/EO/916 (Notification of a Defective Response) mailed 07 December 2001. As such, applicant was never afforded a proper period of response, namely two months extendable pursuant to 37 CFR 1.136(a). Therefore, applicant's petition to withdraw the holding of abandonment is granted. Further review of the application file finds that the most recently filed CRF and sequence listing may be lacking as to a particular sequence which appears in claims 3 and 5. (See attached OIPE Routing Sheet). Therefore, this application will be forwarded to the United States Designated/Elected Office (US/DO/EO) for processing and mailing of a new Form PCT/DO/EO/905.

CONCLUSION

Applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment for the present national stage application is GRANTED.

The "Notification of Abandonment" mailed 05 December 2003 is hereby VACATED.

Application No.: 09/868,967

3

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

Attach: OIPE Routing Sheet re: CRF

OIPE ROUTING SHEET

APPLICATION

09/868,967

TO BE DELIVERED TO:

O I P E

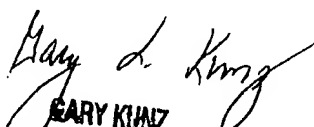
CP2-6C17

LOCA 0380

Sequence Rule Compliance Review Item

X	CRF, paper copy of sequence listing, and statement that both are same missing
	CRF contains error(s) according to STIC Report
	CRF damaged or unreadable according to STIC Report
	CRF transferred from prior application is not compliant

Place an "X" in the appropriate box


GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Comment Sheet

APPLICATION SERIAL NUMBER

09/868,967

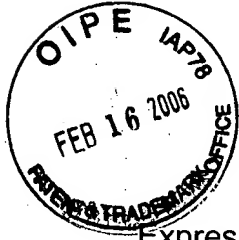
**DOES NOT COMPLY WITH THE
SEQUENCE RULES. See reasons below.**

**Page(s) 3, line 22; 4, lines 6, 22, 32; 5, line 2; contain sequences (ENTNIT)
not found in the CRF or Sequence Listing. See also claims 3 and 5.**

**The sequence is needed for search but is not present in the CRF and
consequently not in the ABSS system and the application cannot be searched.**

APPLICANT: Wallukat et al.

TITLE: Peptides and the AT₁ Receptor and their use for Preeclampsia and Malign Hypertension



EXPRESS MAIL CERTIFICATE

Express Mail" mailing label number EV 383033682 US

Date of Deposit February 5, 2004

Procs 5/1/04

I hereby certify that the following items:

1. Response to Notice to Comply with Requirements...
2. Paper copy of sequence listing
3. Diskette containing a sequence listing
4. Copy of CRF problem report
5. Petition to withdraw a holding of abandonment
6. Copy of a return receipt showing that the response was filed on 19 Dec. 2002
7. Copy of a Notice of Abandonment
8. Return Receipt Postcard
9. Certificate of Mailing

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Agata Glinska
Agata Glinska

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to Commissioner of Patents, U.S. Patent and Trademark Office, Box Sequence, P.O. Box 1450, Arlington, VA 22313-1450., on 5 February 2004.

Agata Glinsha

Agata Glinsha

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	09/868,967
APPLICANT	Gerd Wallukat et al.
FILED	June 22, 2001
EXAMINER	To Be Assigned
ART UNIT	1646
FOR	PEPTIDES AND THE AT₁ RECEPTOR AND THEIR USE FOR PREECLAMPSIA AND MALIGN HYPERTENSION

Commissioner of Patents
United States Patent and Trademark Office
BOX SEQUENCE
PO BOX 1450
Arlington, VA 22313-1450

5 February 2004

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

This communication is in response to the Notice of Abandonment of 5 December 2003, and the Notice Of Defective Response mailed 22 November 2002.

Entry of the amendments and consideration of the remarks are respectfully solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

ITEMS BEING SUBMITTED

Submitted herewith is/are

- a) A computer readable diskette containing the Sequence Listing as filed, a copy of which is attached in accordance with the requirements of 37 CFR 1.821(e) and 1.824.
- b) A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 CFR 1.821(f).
- c) Because this submission is made in fulfilling the requirement under 37 CFR 1.821(g), a statement that the submission includes no new matter.
- d) A copy of the NOTIFICATION OF DEFECTIVE RESPONSE to which this communication is believed to be fully responsive.

STATEMENT PURSUANT TO RULES 1.821(f),(g)

I hereby state that the computer readable diskette submitted in this application, is the same as the corresponding "Sequence Listing". None of the submissions filed herewith introduce new matter.

Respectfully Submitted,

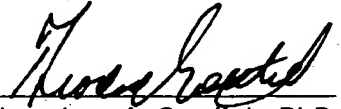
Norris, McLaughlin & Marcus

220 East 42 nd Street

New York, NY 10017

Telephone (212) 808-0700

Facsimile (212) 808-0844



Theodore A. Gottlieb, PhD

Registration No. 42, 597

09/868,967A

A:\>DIR

Volume in drive A has no label
Directory of A:\

00006030	TXT	1,516	11-28-01	3:08p	00006030.TXT
	1 file(s)		1,516 bytes		
	0 dir(s)				

Read fault error reading drive A
Abort, Retry, Fail?F

Read fault error reading drive A
Abort, Retry, Fail?F

A:\>

← screen manager when STIC PC
tried to read submitted file

SEQUENCE LISTING

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<120> Peptides of the AT1 Receptor and Their Use for
Preeclampsia and Malign Hypertension

<130> 101195-52

<140> PCT/DE99/04112

<141> 1999-12-22

<150> DE 198 60 320.7

<151> 1998-12-24

<150> DE 199 54 305.4

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<212> PRT

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<210> 3

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<212> PRT

<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: designed
peptide of the AT1 receptor

<400> 3

Ser His Phe Tyr Gln Thr Arg
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<210> 4

<211> 7

<212> PRT

<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: designed
peptide of the AT1 receptor

<400> 4

Gly Tyr Tyr Phe Asp Thr Asn
1 5

6/27/09
FY

CRF Problem Report

TECHNOLOGY
SYSTEMS
BRANCH



The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/868,967A
Filing Date: 6/22/01
Date Processed by STIC: 11/20/03

STIC Contact: Mark Spencer: Telephone: 703-308-4212; Fax: 703-308-4221
Effective 12/13/03: Telephone: 571-272-2510; Fax: 571-273-0221

Nature of Problem:

- The CRF (was):
- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
 - ☐ Blank (no files on CRF) (see attached)
 - ☐ Empty file (filename present, but no bytes in file) (see attached)
 - ☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
 - ☐ Not saved in ASCII text
 - ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
 - ☐ Did not contain a Sequence Listing. (see attached sample)
 - ☐ Other: _____

**PLEASE USE THE CHECKER VERSION 4.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to (EFFECTIVE 12/01/2003):
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
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Revised 10/08/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	09/868 967
APPLICANT	Gerd Wallukat, et al.,
FILED	22 June 2001
EXAMINER	TO BE ASSIGNED
ART UNIT	1646
FOR	Peptides and the AT ₁ Receptor and Their Use for Preeclampsia and Malign Hypertension

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

5 February 2004

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

This communication is responsive to the Notice of Abandonment under Rule 1.821[g], mailed on 5 December 2004.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

It is respectfully requested that the holding of abandonment be withdrawn in view of the fact that such a finding is improper in view of current Patent Office guidelines.

The basis of the instant Notice of Abandonment appears to be unreadability of a submitted CRF. In view of the fact that the submission was a *bona fide* attempt to comply, the proper response of office personnel should have been to send a Notice to resubmit the CRF, not a Notice of Abandonment. See 37 CFR α 1.135(c).

The MPEP specifically provides for this as evidenced by the exemplified paragraph:

24.03 Compact Disc/CRF Submission Is Not Fully Responsive, Bona Fide Attempt

The reply filed [1] is not fully responsive to the Office communication mailed [2] for the reason(s) set forth below or on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Attached hereto, is copy of the return receipt showing that the response was filed on 19 December 2002, three days before the due date of 22 December 2002. Thus, the submission was timely, as well as *bona fide* and was sufficient to avoid a holding of abandonment.

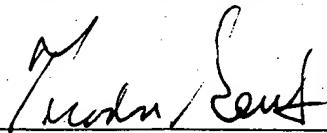
Also attached is a Response accompanying a resubmission of the CRF as indicated in the original Notification of Defective Response mailed 22 November 2002, together with a copy of the CRF Problem Report that accompanied the Notice of Abandonment.

The undersigned request expedited action on this matter.

Should further issues need to be resolved, office personnel should contact the undersigned.

Respectfully Submitted,

Norris, McLaughlin & Marcus
220 East 42 nd Street
New York, NY 10017
Telephone (212) 808-0700
Facsimile (212) 808-0844

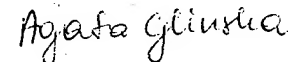

Theodore Gottlieb, PhD
Reg. No. 42, 597

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on 5-Feb-2004
(Date)

Agata Glinska
Typed or printed name of transmittor

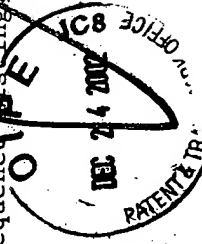
Signature 

CASE # 101195-52 Serial No. 09/868,967

DATE MAILED: December 19, 2002 DATE DUE:

The stamp of the Patent Office hereon may be taken as
acknowledgement of receipt, on the date stamped, of the
following:

1. Transmittal Form
2. Response to Notice to Comply, including
Diskette containing Sequence Listing, paper
copy of Sequence Listing, a copy of the Notice
to Comply



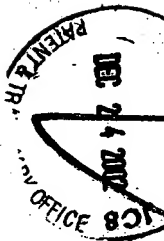
CASE # 101195-52

Serial No. 09/868,967

DATE MAILED: December 19, 2002 , DATE DUE:

The stamp of the Patent Office hereon may be taken as acknowledgement of receipt, on the date stamped, of the following:

1. Transmittal Form
2. Response to Notice to Comply, including Diskette containing Sequence Listing, paper copy of Sequence Listing, a copy of the Notice to Comply





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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/868,967		Gerd Wallukat	101195-52

Bruce S Londa
Norris McLaughlin & Marcus
30th Floor
220 East 42nd Street
New York, NY 10017

CONFIRMATION NO. 9960
ABANDONMENT/TERMINATION
LETTER
OC000000011430703
OC000000011430703

Date Mailed: 12/05/2003

NOTICE OF ABANDONMENT

UNDER 37 CFR 1.821(g)

Applicant's reply received on 12/24/2002 is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Applicant: Wallukat et al.
 Serial No.: 09/868,967
 Our Case: 101195-52-TAG
 Mailing date: February 5, 2004

Receipt of

1. Response to Notice to Comply with Requirements...
 2. Paper copy of sequence listing
 3. Diskette containing a sequence listing
 4. Copy of CRF problem report
 5. Petition to withdraw a holding of abandonment
 6. Copy of a return receipt showing that the response was filed on 19 Dec. 2002
 7. Copy of a Notice of Abandonment
 8. Return Receipt Postcard
 9. Certificate of Mailing
- mailed via express mail, label no. 383033682 US postage prepaid, is hereby acknowledged.



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Total Postage & Fees \$				<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.			
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FROM: (PLEASE PRINT) **Theodore N. Gottlieb**
NORRIS MCLAUGHLIN & MARCUS
220 E 42ND ST FL 30
NEW YORK NY 10017-5806

10 1195-52

TO: (PLEASE PRINT) **Mail Stop Sequence**
Commissioner for Patents
P.O. Box 1450
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